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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,759	10/31/2001	Robert A. Lieberman	IOS 00-236	4294

7590 08/26/2004

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EXAMINER

CROSLAND, DONNIE L

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,759

Applicant(s)

LIEBERMAN ET AL.

Examiner

DONNIE L. CROSLAND

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

EXAMINER'S AMENDMENT

On page 3 of the response dated 4-13-04, after Claim 8, "(deleted)" was changed to -(cancelled)-. The term "deleted" is an improper status identifier, see 37 CFR 1.121.

Claim Rejections - 35 USC § 112

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, a period appears after "present", line 8, rendering the claim incomplete.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cephus (already of record) in view of Martinez (newly cited).

Cephus shows the surveillance system with ambient sensors 22-46; a field sensing unit 48 with a sensor fusion module having a CPU 112 programmed to determine the status of each sensor based on its sensor output and through a programmed algorithm to derive a qualitative determination from the status determination of the sensors, see AD converter 86, micro controller 112, col. 3, lines 30 et seq., col. 4 and col. 6, and a transmitter 56 for transmitting the determination to a remote center with computer 50.

Cephus fails to show the transmission being of a narrow bandwidth. Martinez shows narrow bandwidth communication in a surveillance system that includes a remote and central station, see col. 2.

It would have been obvious to one having ordinary skill in the art to employ narrow bandwidth communication in the surveillance system of Cyprus because the specific use and advantages of a narrow bandwidth communication in a surveillance system is taught by Martinez.

Any advantages are those inherently expected due to the use of narrow bandwidth communication.

Desirability and motivation lies in Martinez for using narrow bandwidth communication in a surveillance system.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cephus in view of Everett, Jr. et al (already of record).

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See the comments above with respect to Cephus.

Cephus fails to state that the sensors are "smart".

It is felt that Cephus provides for smart sensors as evidenced in col. 3, lines 30 et seq.

Everett shows the use of intelligent sensors in the remote unit of a surveillance system, see figure 1 and abstract.

It would have been obvious to one having ordinary skill in the art to provide "smart sensor" in the surveillance system of Cephus because the specific use and advantages of using "smart" sensors in a surveillance system is suggested by Everett.

With respect to claim 4, see different sensitivities, col. 3, lines 35-47, col. 4, and lines 28-45 of Cephus.

With respect to claim 5, see trend of data in col. 2, lines 35-44 of Cephus.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cephus in view of Everett and Martinez.

See comments on all the references above.

It would have been obvious to one having ordinary skill in the art to employ smart sensors in the surveillance system of Cephus as evidenced in the employment of smart sensors in a surveillance system in Everett.

It would have also been obvious to the skilled artisan to communicate the transmitted signal employing a narrow bandwidth communication because the transmission of signals by narrow bandwidth communication in a surveillance system is clearly taught by Martinez.

Any advantages seen are those inherently expected due to the substituted or employed smart sensor and narrow bandwidth communication as taught by Everett and Martinez respectively.

Response to Arguments

Applicant's arguments with respect to claims at issue have been considered but are moot in view of the new ground(s) of rejection.

Qualitative status indications are clearly provided in Cephus, cols. 3 and 4, trend of the data in col. 2, lines 34-66.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFSSASS can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DONNIE L. CROSLAND
Primary Examiner
Art Unit 2636

Dlc 
8-21-04